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BOX AF

Response Under 37 C.F.R. § 1.192
Appellant's Brief

PATENT APPLICATION
Serial No. 09/421,676
Atty. Docket No. 964-991369

#18
Appeal Brief
8-2-02
VW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Group Art Unit 3619	:	
In re application of	:	
BERNHARD GOTZ	:	**INDUSTRIAL TRUCK WITH A REAR WEIGHT AND INTERNAL COMBUSTION ENGINE**
Serial No. 09/421,676	:	
Filed October 20, 1999	:	
Examiner Michael Mar	:	

Pittsburgh, Pennsylvania
July 15, 2002

APPEAL BRIEF

BOX AF
Commissioner for Patents
Washington, D.C. 20231

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal mailed on May 6, 2002 and received by the Patent Office on May 14, 2002. The Notice of Appeal appeals the final rejection of claims 1-19, 21, and 22.

The headings used hereinafter and the subject matter set forth under each heading are in accordance with 37 C.F.R. § 1.192(c).

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231

07/15/2002 Patricia M. Lynch
Date Signature

Patricia M. Lynch
Typed Name of Person Signing Certificate

I

REAL PARTY IN INTEREST

Linde Aktiengesellschaft is the Assignee of the entire right, title, and interest to the above-identified application and, as such, is the real party in interest in this Appeal.

II

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to the Appellant, the Appellant's legal representative, or the Assignee of the above-identified application which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

III

STATUS OF CLAIMS

Claims 1-19, 21, and 22 are finally rejected under 35 U.S.C. § 103 as being directed to subject matter which would have been obvious to one of ordinary skill in the art at the time the invention was made from the teachings of U.S. Patent No. 6,138,783 to Chene et al. (hereinafter "Chene");

Claims 1-19, 21, and 22 are finally rejected under 35 U.S.C. § 103 as being directed to subject matter which would have been obvious to one of ordinary skill in the art at the time the invention was made from the teachings of U.S. Patent No. 4,159,126 to Raleigh (hereinafter "Raleigh");

Claims 2-6 and 8-14 are finally rejected under 35 U.S.C. § 103 as being directed to subject matter which would have been obvious to one of ordinary skill in the art at

the time the invention was made from the combined teachings of U.S. Patent No. 6,138,783 to Chene in view of U.S. Patent No. 6,085,858 to Wakana et al. (hereinafter "Wakana");

Claims 2-6 and 8-14 are finally rejected under 35 U.S.C. § 103 as being directed to subject matter which would have been obvious to one of ordinary skill in the art at the time the invention was made from the combined teachings of U.S. Patent No. 4,159,126 to Raleigh in view of U.S. Patent No. 6,085,858 to Wakana et al. (hereinafter "Wakana");

Claim 7 is finally rejected under 35 U.S.C. § 103 as being directed to subject matter which would have been obvious to one of ordinary skill in the art at the time the invention was made from the combined teachings of U.S. Patent No. 6,138,783 to Chene in view of U.S. Patent No. 3,645,349 to Nichter (hereinafter "Nichter");

Claim 7 is finally rejected under 35 U.S.C. § 103 as being directed to subject matter which would have been obvious to one of ordinary skill in the art at the time the invention was made from the combined teachings of U.S. Patent No. 4,159,126 to Raleigh in view of U.S. Patent No. 3,645,349 to Nichter (hereinafter "Nichter");

Claims 15-19 are finally rejected under 35 U.S.C. § 103 as being directed to subject matter which would have been obvious to one of ordinary skill in the art at the time the invention was made from the combined teachings of U.S. Patent No. 6,138,783 to Chene in view of U.S. Patent No. 6,085,858 to Wakana and U.S. Patent No. 3,645,349 to Nichter; and

Claims 15-19 are finally rejected under 35 U.S.C. § 103 as being directed to subject matter which would have been obvious to one of ordinary skill in the art at the time the invention was made from the combined teachings of U.S. Patent No. 4,159,126 to Raleigh in view of U.S. Patent No. 6,085,858 to Wakana and U.S. Patent No. 3,645,349 to Nichter.

Claims 1-19, 21, and 22 are reproduced in Appendix A which is attached hereto.

IV

STATUS OF AMENDMENTS

A Response after final rejection was submitted in this case on March 4, 2002 arguing for the allowability of the claims but making no claim amendments. There were no claim changes made after the final Office Action dated December 4, 2001. The claims on appeal are the claims as amended by the Amendment of October 16, 2001, which are finally rejected in the final Office Action of December 4, 2001.

V

SUMMARY OF THE INVENTION

The claims on appeal are directed toward an industrial truck having a frame 3 and a rear weight 1 separate from the frame 3 and connected to the frame 3. An internal combustion engine 4 is mounted on the rear weight 1 such that vibrations from the engine 4 are transmitted from the engine 4 to the rear weight 1 and from the rear weight 1 to the frame 3.

As discussed in the present specification at pages 1 and 2, a problem with conventional industrial trucks in which the engine is mounted on the frame is that vibrations from the engine are transmitted directly to the vehicle frame and then into the driver's cab. These vibrations can be annoying to the driver. In Appellant's invention, this problem is overcome by mounting the internal combustion engine on the rear weight. Vibrations from the engine are thus transmitted into the rear weight, not into the frame. Because of its large mass, the rear weight is excited to vibrate only to a very small extent by the engine vibrations. Thus, vibrations transmitted to the other areas of the truck are greatly reduced due

to this damping effect of the rear weight and, particularly, vibrations felt by the driver are significantly reduced.

VI

ISSUES PRESENTED

The following issues are presented in this Appeal:

a) Are claims 1, 21, and 22 directed towards obvious subject matter in light of Chene?

b) Are claims 1, 21, and 22 directed towards obvious subject matter in light of Raleigh?

c) Are claims 2-6 and 8-14 directed towards obvious subject matter in light of Chene taken in view of Wakana?

d) Are claims 2-6 and 8-14 directed towards obvious subject matter in light of Raleigh taken in view of Wakana?

e) Is claim 7 directed towards obvious subject matter in light of Chene taken in view of Nichter?

f) Is claim 7 directed towards obvious subject matter in light of Raleigh taken in view of Nichter?

g) Are claims 15-19 directed towards obvious subject matter in light of Chene taken in view of Wakana and Nichter?

h) Are claims 15-19 directed towards obvious subject matter in light of Raleigh taken in view of Wakana and Nichter?

VII

GROUPING OF CLAIMS

Claims 1-19, 21, and 22 do not stand or fall together but can be grouped according to the following:

a) Claim 1 stands or falls independently;

b) Claim 21 stands or falls independently;

c) Claim 22 stands or falls independently;

d) Claims 2-6 and 8-14 stand or fall together;

e) Claim 7 stands or falls independently; and

f) Claims 15-19 stand or fall together.

The support for the independent consideration of each grouping of claims is addressed in the arguments set forth in the Argument section of this Appeal Brief and also for the following reasons:

Independent claims 1, 21, and 22 are of differing scope and each contain different limitations which are independently patentable over the cited art for the reasons discussed below. Dependent claims 2-6 and 8-14 depend from claim 1 but the Examiner advances specific arguments with respect to these claims different from those for claim 1 (Final Office Action at paragraphs 3 and 7). Claim 7 depends from claim 1, but the Examiner advances specific arguments with respect to claim 7 (Final Office Action at paragraphs 4 and 8). Claims 15-19 depend from claim 1, but the Examiner advances specific arguments with respect to these claims (Final Office Action at paragraphs 5 and 9).

VIII

ARGUMENT

Each issue presented for review is addressed hereinafter under the appropriate heading:

1. 35 U.S.C. § 112, first paragraph

None.

2. 35 U.S.C. § 112, second paragraph

None.

3. 35 U.S.C. § 103

a) Claim 1

Claim 1 is directed to an industrial truck having a frame 3 and a rear weight 1 separate from the frame 3 and connected to the frame 3. An internal combustion engine 4 is mounted on the rear weight 1, with the rear weight 1 positioned between the engine 4 and the frame 3 such that vibrations from the engine 4 are transmitted from the engine 4 to the rear weight 1 and from the rear weight 1 to the frame 3.

Chene discloses a propulsion unit or drive unit 1 in the shape of an inverted U with a roof 2 and two side walls 3a, 3b. The roof 2 supports a shrouded power source 6. As shown in Fig. 4, the Chene drive unit 1 is attached to a wheeled body, such as a bus, to provide motive power (Chene at column 1, lines 66-67; and column 2, lines 26-30). In paragraph 2 of the final Office Action, the Examiner states that it would be obvious to incorporate the Chene drive unit into an industrial truck to render claim 1 obvious. Specifically, the Examiner states that Chene "...discloses a 'rear weight' formed by a structural member 1 which is adapted in one configuration to be attached to the rear of a commercial vehicle. An engine is fastened to the rear weight and the rear weight is fastened to the rear of a vehicle." Appellant respectfully disagrees with this assessment. First, Chene

is directed to a modular drive unit and has nothing whatsoever to do with industrial truck rear weights. Conventional industrial truck rear weights or counterweights are well known in the industrial truck field and are used to counterbalance loads carried on the front of the industrial truck. For example, U.S. Patent No. 4,029,340 to Chelin, identified by the Examiner, discloses a conventional industrial truck having a conventional rear weight or counterweight 18 attached to the rear of the vehicle (Fig. 1 and column 2, lines 33-34). U.S. Patent No. 4,580,811 to Wykhuis et al., identified by the Examiner, discloses rear weights 52 mounted on the rear end of the vehicle, such as a mower. Additionally, Appellant forwarded copies of U.S. Patent Nos. 3,851,776 and 4,173,264 to the Examiner with the Amendment dated October 16, 2001 to further illustrate the common understanding of the term "rear weight" in the field of industrial vehicles. U.S. Patent No. 3,851,776 discloses a tracked vehicle having a digging bucket 6 mounted on a turret 3. The vehicle has a frame 1 and a counterweight 7 movably attached to the frame (column 2, lines 4-20). U.S. Patent No. 4,173,264 discloses a fork lift truck having a rear frame section 38. This patent does not show the counterweight but simply states that "[a] counterweight may be mounted on rear frame section 38 behind end plate 74." Thus, Appellant believes one of ordinary skill in the industrial truck art would clearly understand that the term "rear weight" refers to a component different from the vehicle frame, the engine, or the Chene modular drive unit 1. Additionally, the present specification at page 1, lines 17-20; page 2, lines 9-16; page 3, line 37 to page 4, line 3; and page 4, line 34 to page 5, line 2, clearly describes the claimed "rear weight" in a manner that would be easily understood by one of ordinary skill in the industrial truck art as a component separate from the vehicle frame and made out of high internal damping material, such as gray cast iron. In his rejections, the Examiner is broadly equating any portion of a vehicle having mass as equivalent to the claimed "rear weight". This is simply incorrect. It completely disregards the intended and accepted meaning of this term in

the field of industrial trucks. Rather, the Chene invention is directed to a modular drive unit that can be coupled and uncoupled to a vehicle, such as a bus, for ease in switching or replacing the vehicle drive unit. The Chene drive unit is not a "rear weight" as that term is known and commonly used in the industrial truck field. In none of the Chene embodiments is a load carried on the front of the vehicle for which a rear weight would be required. While Chene does disclose that the drive unit 1 supports a shrouded power source 6, there is no teaching as to how this power source is connected to the drive unit. The Chene drive unit is simply not analogous to a conventional industrial truck rear weight.

Turning to the rejections based on Raleigh, Raleigh discloses a model (toy) racing car having an engine 24 carried on a mounting platform 19. The mounting platform 19 is coupled to the chassis 11 by a pivot block 29. In paragraph 6 of the Final Office Action, the Examiner describes Raleigh as disclosing a rear weight "...which is adapted in one configuration to be attached to the rear of a commercial vehicle." This is simply incorrect. First, Raleigh is completely non-analogous art. Raleigh is directed to a toy car and has nothing whatsoever to do with industrial trucks. Raleigh is from a completely different field of endeavor (toy cars versus industrial trucks) and is not reasonably pertinent to the particular problem the inventor is involved in (In re Clay, 966 F.2d 656, 23 U.S.P.Q. 2d 1058 (Fed. Cir. 1992)). Additionally, Appellant does not believe one of ordinary skill in the industrial truck art would look to a toy racing car to address the vibration problems found in conventional industrial trucks. Further, even if a modification as suggested by the Examiner in light of Raleigh were made, it would not result in an industrial truck having an internal combustion engine mounted on the rear weight, as claimed in claim 1. Rather, it would simply result in an engine mounted on a mounting platform, which would not overcome the vibration problems addressed by the present invention. Therefore, claim 1 is patentable over the Raleigh patent as well.

b) Claim 21

Claim 21 is directed to an industrial truck comprising a frame 3, a rear weight 1 separate from the frame 3 and connected to the frame 3, and an internal combustion engine 4 fastened to the rear weight 1 such that the internal combustion engine 4 is carried on the industrial truck by a rear weight 1.

As discussed above, Chene does not disclose an industrial truck rear weight. Nor does Chene disclose a rear weight separate from the frame and connected to the frame, with an internal combustion engine fastened to the rear weight such that the internal combustion engine is carried on the industrial truck by the rear weight. In Chene, the engine is part of a modular drive unit that can be attached to the vehicle. Moreover, as discussed above, Raleigh is directed to a toy racing car and is completely non-analogous to commercial industrial trucks. Therefore, claim 21 is patentable over both Chene and Raleigh.

c) Claim 22

Claim 22 is directed to an industrial truck comprising a frame 3, a rear weight 1 separate from the frame 3 and connected to one end of the frame 3, and an internal combustion engine 4 mounted on the rear weight 1 by fastening means 6 such that vibrations from the engine 4 are transmitted to the rear weight 1 by the fastening means 6 and such that the engine 4 is connected to the frame 3 by the rear weight 1.

As discussed above, Chene simply does not disclose an industrial truck rear weight nor an equivalent thereto. As such, Chene does not disclose an internal combustion engine mounted on a rear weight by fastening means such that the vibrations from the engine are transmitted to the rear weight by the fastening means. Chene simply discloses a modular drive unit 1 supporting a shrouded power source 6. However, there is absolutely no teaching or suggestion in Chene as to how the power source is mounted. As also discussed above, Raleigh is directed to a completely non-analogous field of toy model cars and, as such, is not

applicable to the field of the present invention. Additionally, even if one were to look at the Raleigh patent, it would not result in an internal combustion engine 4 mounted on a rear weight 1 by fastening means 6 such that vibrations from the engine 4 are transmitted to the rear weight 1 by the fastening means 6. Raleigh simply teaches mounting an engine for a toy car onto a mounting platform. Therefore, claim 22 is patentable over both Chene and Raleigh.

d) Claims 2-6 and 8-14

Claims 2-6 and 8-14 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of either Chene or Raleigh in view of the teachings of U.S. Patent No. 6,085,858 to Wakana et al. (hereinafter "Wakana").

Chene and Raleigh have been discussed above. Wakana discloses a suspension assembly in which an engine 3 is mounted on resilient engine mounts 4. The engine is attached to the vehicle frame through a torque rod 6 (Wakana at column 8, lines 30-33). Wakana, either alone or in combination with Chene and/or Raleigh, does not teach or suggest an industrial truck as claimed in claim 1 having a rear weight 1 separate from the frame 3 and an internal combustion engine 4 mounted on the rear weight 1, with the rear weight 1 positioned between the engine 4 and the frame 3 such that vibrations from the engine 4 are transmitted from the engine 4 to the rear weight 1 and from the rear weight 1 to the frame 3. As discussed above, Chene does not disclose any specifics as to how the engine is mounted in the drive unit. Moreover, the Chene drive unit itself is not analogous to an industrial truck rear weight. The Raleigh toy car also has no counterpart to the claimed rear weight. Wakana does not overcome these deficiencies in Chene or Raleigh. Therefore, since claims 2-6 and 8-14 depend either directly or indirectly from claim 1, claims 2-6 and 8-14 are allowable over the cited art. Additionally, claim 3 includes the limitation that the internal combustion engine is mounted on fastening means located on the rear weight such that engine

vibrations are transmitted directly to the rear weight, not the frame. Claims 6, 13, and 14 include the limitation of a torque support (shown as reference number 7 in Figs. 1 and 2) that connects the internal combustion engine with the rear weight. Claim 12 includes the limitation that the torque support extends between and is connected to both the internal combustion engine and the rear weight. None of these specific limitations is taught or suggested in the cited prior art, either alone or in combination. Therefore, claims 2-6 and 8-14 are patentable over the cited prior art.

e) Claim 7

Claim 7 stands rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of either Chene or Raleigh in view of the teachings of U.S. Patent No. 3,645,349 to Nichter.

Chene and Raleigh have been discussed above. Nichter discloses a tractor unit having a pair of tracks 23 and 25 driven by a hydraulic system having a reservoir 43, a gasoline engine 47, and a pair of hydraulic pumps 53 and 55 (Fig. 2). Again, Nichter, either alone or in combination with Chene and/or Raleigh, does not fairly teach or suggest the claimed industrial truck with an internal combustion engine mounted on the rear weight. Moreover, none of the cited references teaches or suggests a hydraulic unit fastened to the internal combustion engine with both the hydraulic unit and internal combustion engine mounted on the rear weight, as specifically claimed in claim 7. It appears that the Nichter hydraulic system is mounted on the underside or body of the tractor unit, not on a rear weight. Therefore, for all of the above reasons, Appellant submits that claim 7 is patentable over the cited prior art.

f) Claims 15-19

Claims 15-19 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of either Chene or Raleigh in view of the teachings of Wakana and Nichter.

Neither Chene, Raleigh, Wakana, or Nichter, as discussed above either alone or in combination, fairly teaches or suggests an industrial truck having an internal combustion engine mounted on the rear weight, with the rear weight positioned between the engine and the frame, such that vibrations from the engine are transmitted from the engine to the rear weight and from the rear weight to the frame. Therefore, claims 15-19 are patentable over the cited references.

IX

SUMMARY

When making rejections under 35 U.S.C. § 103, the Examiner has the burden of establishing a *prima facie* showing of obviousness. In re Fritch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). To establish a *prima facie* case, the Examiner must satisfy three requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. See In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); In re Skinner, 2 U.S.P.Q.2d 1788, 1790 (Bd. Pat. App. & Int. 1986). Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. See Amgen, Inc. v. Chugai Pharm. Co., 18 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1991). Hindsight is not a justifiable basis on which to find that ultimate achievement of a goal was obvious. Id. Lastly, the prior art reference or combination of references must teach or suggest all the limitations of the claims. See In re Wilson, 165 U.S.P.Q.2d 494, 496 (C.C.P.A. 1970).

Moreover, the teachings or suggestions, as well as the expectation of success, must come from the prior art, not Appellant's disclosure. See In re Vaeck, 20 U.S.P.Q.2d

1438, 1442 (Fed. Cir. 1991). Also, the mere fact that the prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification. In re Laskowski, 10 U.S.P.Q.2d 1397, 1399 (Fed. Cir. 1989) (quoting In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984)).

In the instant case, the Examiner opines that it would have been obvious to modify a conventional industrial truck based on the cited references to arrive at the claimed invention. As specifically discussed, Appellant respectfully disagrees. Chene is directed to a drive unit for a wheeled vehicle and does not teach or suggest the claimed invention. Nor does there appear to be any motivation in Chene to amend a conventional industrial truck as set forth in the instant application to arrive at the claimed invention. Additionally, Chene does not teach or suggest the limitations of the claimed invention. Specifically, Chene does not teach an industrial truck "rear weight" as that term is commonly understood in the appropriate field of endeavor nor does Chene teach or suggest mounting an engine on the rear weight as set forth in the independent claims. The same holds true for each of the other references cited by the Examiner. Moreover, the Raleigh patent relied upon by the Examiner is directed to a completely non-analogous field of art and, as such, is inappropriate to be cited against the claimed invention.

X

CONCLUSION

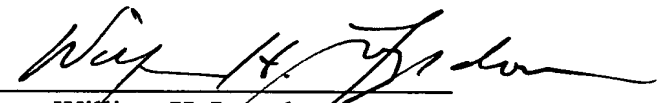
The claims define a unique industrial truck. The Examiner has not addressed all of the limitations of the independent claims or the corresponding dependent claims. In order to establish a *prima facie* case, the Examiner must show that each limitation is met or made obvious by the applied prior art and the Examiner has failed to do so. The preponderance of evidence clearly establishes the allowability of claims 1-19, 21, and 22.

Reversal of all of the Examiner's rejections and allowance of these claims are respectfully requested.

A check in the amount of $320.00 accompanies this Appeal Brief. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayments to Deposit Account No. 23-0650. An original and two copies of this Appeal Brief are enclosed.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 

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APPENDIX A

1. An industrial truck, comprising:

a frame;

a rear weight separate from the frame and connected to the frame; and

an internal combustion engine, wherein the internal combustion engine is mounted on the rear weight such that the rear weight is positioned between the engine and the frame such that vibrations from the engine are transmitted from the engine to the rear weight and from the rear weight to the frame.

2. The industrial truck as claimed in claim 1, wherein the internal combustion engine is oriented in a substantially transverse direction of the industrial truck.

3. The industrial truck as claimed in claim 1, including least one fastening means for the internal combustion engine located on the rear weight, wherein the internal combustion engine is mounted on the fastening means such that the engine can oscillate and such that engine vibrations are transmitted directly to the rear weight.

4. The industrial truck as claimed in claim 1, wherein the internal combustion engine is mounted such that the engine can oscillate around an axis that extends in a substantially transverse direction of the industrial truck.

5. The industrial truck as claimed in claim 3, wherein the fastening means include an elastic damping element.

6. The industrial truck as claimed in claim 4, including a torque support that connects the internal combustion engine with the rear weight, the torque support located at a distance from the axis.

7. The industrial truck as claimed in claim 1, including a hydraulic unit fastened to the internal combustion engine such that the hydraulic unit and internal combustion engine are mounted directly on the rear weight.

8. The industrial truck as claimed in claim 2, including at least one fastening means for the internal combustion engine connected directly to the rear weight, wherein the internal combustion engine is mounted on the fastening means such that the engine can oscillate.

9. The industrial truck as claimed in claim 2, wherein the internal combustion engine is mounted such that the engine can oscillate around an axis that extends in a substantially transverse direction of the industrial truck.

10. The industrial truck as claimed in claim 3, wherein the internal combustion engine is mounted such that the engine can oscillate around an axis that extends in a substantially transverse direction of the industrial truck.

11. The industrial truck as claimed in claim 4, wherein the fastening means include an elastic damping element.

12. The industrial truck as claimed in claim 9, including a torque support extending between and connected to both the internal combustion engine and the rear weight, the torque support located at a distance from the axis.

13. The industrial truck as claimed in claim 10, including a torque support that connects the internal combustion engine with the rear weight, the torque support located at a distance from the axis.

14. The industrial truck as claimed in claim 11, including a torque support that connects the internal combustion engine with the rear weight, the torque support located at a distance from the axis.

15. The industrial truck as claimed in claim 2, including a hydraulic unit fastened to the internal combustion engine.

16. The industrial truck as claimed in claim 3, including a hydraulic unit fastened to the internal combustion engine.

17. The industrial truck as claimed in claim 4, including a hydraulic unit fastened to the internal combustion engine.

18. The industrial truck as claimed in claim 5, including a hydraulic unit fastened to the internal combustion engine.

19. The industrial truck as claimed in claim 6, including a hydraulic unit fastened to the internal combustion engine.

21. An industrial truck, comprising:

a frame;

a rear weight separate from the frame and connected to the frame; and

an internal combustion engine fastened to the rear weight such that the internal combustion engine is carried on the industrial truck by the rear weight.

22. An industrial truck, comprising:

a frame;

a rear weight separate from the frame and connected to one end of the frame; and

an internal combustion engine mounted on the rear weight by fastening means such that vibrations from the engine are transmitted to the rear weight by the fastening means, and such that the engine is connected to the frame by the rear weight.